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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/524,253 | 03/13/2000 | Joseph G. Gatto | 56351.000009 | 7026 |

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EXAMINER

SUBRAMANIAN, NARAYANSWAMY

| ART UNIT | PAPER NUMBER |
|----------|--------------|
|----------|--------------|

3624

DATE MAILED: 12/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/524,253

Applicant(s)

GATTO, JOSEPH G.

Examiner

Narayanswamy Subramanian

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,10-14 and 21-25 is/are rejected.
- 7) ☒ Claim(s) 3-9, 15-20 and 26 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 4, 16.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. This office action is in response to Applicant's communication filed on September 29, 2003 (Paper No. 14). Formal drawings submitted therein are accepted by the Examiner. Amendments to the specification and claims 7, 8, 10, 15, 17, 18, 21-23 and 26 have been entered. As requested by the Applicant, the Examiner initialed copies of the Information Disclosure Statements filed on May 11, 2000 (Paper No. 4) is enclosed with this communication. In view of the terminal disclaimer submitted by the Applicant, the Examiner withdraws the non-statutory double patenting rejections made in the last office action (Paper No. 13). Claims 1-26 are pending in the application and have been examined. The rejections, objections and response to arguments are stated below.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Regarding claims 1, 3, 5-9, 13, 17, 18 and 21 the phrases "to enable users to", "enables a user to", "for enabling a user to" render the claims indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d). Correction is required.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject

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matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-2, 10-14 and 21-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ferguson et al (US Patent 6,064,984) in view of Brown et al (The Accounting Review July 1979 pp 585-591)

With reference to claims 1 and 2, Ferguson et al teaches a computer implemented user interface system for use with a database of historical data relating to predictions from a plurality of sources relating to financial products, the user interface comprising: a historical view module to enable users to view the historical data including time series data for a predetermined period, for a predetermined event (See Ferguson Abstract, Figure 7, Column 2 lines 27-65, Claims 1-4, 8 and 9).

Ferguson does not explicitly teach the steps wherein at least some of the plurality of sources comprise one or more security analysts and the predictions comprise security analysts' earnings estimates and the time series for each analyst includes an initial estimate made by that analyst for the predetermined earnings event, any revisions to the initial estimate and when such revisions, if any, were made.

Brown et al teaches the steps wherein at least some of the plurality of sources comprise one or more security analysts and the predictions comprise security analysts' earnings estimates (See Brown page 587, Paragraph 2) and the time series for each analyst includes an initial estimate made by that analyst for the predetermined earnings event, any revisions to the initial estimate and when such revisions, if any, were made (See Brown pages 587-588).

Both Ferguson and Brown deal with the problem of using time series data to provide useful information to the user. It would have been obvious to one with ordinary skill in the art at

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the time of the current invention to combine the steps taught by Brown to the invention of Ferguson. The combination of the disclosures taken as a whole suggests that users would have benefited from being able to view time series data about analysts' forecasts and helped them in their decision making.

With reference to claims 10-14 and 21-25, the features in these claims are old and well known in the art. It would have been obvious to include these features to the combined disclosures of Ferguson and Brown. The combination of the disclosures taken as a whole suggests that users would have benefited from being able to view time series data about analysts' forecasts in their preferred format and helped them in their decision making.

Allowable Subject Matter

6. Claims 3-9, 15-20 and 26 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

7. Applicant's arguments with respect to claims 1-26 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

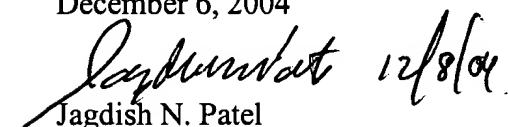
8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dr. Narayanswamy Subramanian whose telephone number is (703) 305-4878. The examiner can normally be reached Monday-Thursday from 8:30 AM to 7:00 PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached at (703) 308-1065. The fax number for Formal or Official faxes and Draft to the Patent Office is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-1113.

N. Subramanian
December 6, 2004

 12/8/04
Jagdish N. Patel
Primary Examiner